

1 THE HONORABLE JOHN C. COUGHENOUR  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 CLARENCE D. JOHNSON, JR.,

CASE NO. C21-0483-JCC

10 Plaintiff,

ORDER

11 v.

12 COMMON AREAS, *et al.*,

13 Defendants.

14

15 This matter comes before the Court *sua sponte*. Pursuant to 28 U.S.C. § 1915(e)(2)(B),  
16 the Court must dismiss a complaint filed *in forma pauperis* (“IFP”) that fails to state a claim,  
17 raises frivolous or malicious claims, or seeks monetary relief from a defendant who is immune  
18 from such relief.

19 To state a claim for relief, “a complaint must contain sufficient factual matter, accepted  
20 as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662,  
21 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially  
22 plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable  
23 inference that the defendant is liable for the misconduct alleged.” *Id.* “A pleading that offers  
24 ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not  
25 do.’” *Id.* (quoting *Twombly*, 550 U.S. at 555). “Dismissal can [also] be based on the lack of a  
26 cognizable legal theory.” *Balisteri v. Pacifica Police Dep’t.*, 901 F.2d 696, 699 (9th Cir. 1988).

1 A complaint filed by a Plaintiff proceeding *pro se* is construed liberally. *Hebbe v. Pliler*, 627  
2 F.3d 338, 342 (9th Cir. 2010).

3 On April 29, 2021, United States Magistrate Judge Michelle L. Peterson granted  
4 Plaintiff's motion to proceed IFP and recommended the Court review his complaint under 28  
5 U.S.C. § 1915(e)(2)(B). (Dkt. No. 6.) The Court did so and concluded that Plaintiff failed to state  
6 a cognizable claim or indicate the relief sought. (Dkt. No. 8.) Plaintiff has filed an amended  
7 complaint (Dkt. No. 9), which suffers from the same infirmities as the last. Accordingly, the  
8 Court FINDS that dismissal of Plaintiff's amended complaint is required under 28 U.S.C.  
9 § 1915(e)(2)(B).

10 For the reasons described above, Plaintiff's amended complaint (Dkt. No. 9) is  
11 DISMISSED without prejudice. The Clerk is DIRECTED to close this case.

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13 DATED this 24th day of May 2021.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE